

### **Amendments to the Drawings**

The attached drawing sheets replace the original drawings filed on June 5, 2001 and the second set of drawings filed on September 24, 2001.

Attachment: Eighteen (18) replacement sheets

### **REMARKS/ARGUMENTS**

The preceding amendments and following remarks are submitted in response to the non-final Office Action mailed June 22, 2005, setting a three-month shortened statutory period for response ending September 22, 2005. With this Amendment, claims 1-5, 7, 9-13, 15, and 22 have been amended, claim 14 has been cancelled, and claims 23-34 have been added. Claims 1-13 and 15-34 remain pending in the Application. Reconsideration, examination and allowance of all pending claims are respectfully requested.

#### **Drawing Objections**

In paragraph 1 of the Office Action, the Examiner objected to the drawings stating that they are informal and/or difficult to read. According to the Examiner, corrected drawings are required in reply to the Office Action in order to avoid abandonment of the Application.

In response to this objection, Applicants have submitted herewith eighteen sheets of formal drawings, which Applicants submit overcome the Examiner's objections. Based on the new size of the household-specific data file depicted in Figure 3 resulting from the finalization of the drawings, two new sheets labeled "Figure 3I" and "Figure 3J" were added. Applicants assert that no new matter was introduced as a result of the addition of these two new drawing sheets, however.

Applicants note that, in addition to the drawings originally submitted with the Application, a second set of informal drawings was submitted on September 24, 2001, which included an additional drawing labeled as "Figure 4 containing an abbreviated version of the appendix located towards the end of the Specification. As this information

is already contained in the appendix and is thus duplicative, Applicants have cancelled “Figure 4” from the second set of informal drawings submitted. Based on this cancellation, the drawing sheet labeled as “Figure 5” in the second set of informal drawings has been relabeled as “Figure 4” in the formal drawings accompanying this Amendment. Applicants apologize for any confusion this may have created.

#### **Title Objection**

In paragraph 2 of the Office Action, the Examiner objected to the title of the Application stating that the title is not descriptive. According to the Examiner, a new title is required that is clearly indicative of the invention to which the claims are directed.

With this Amendment, Applicants have amended the title to now recite “Systems and Methods for Geodemographic Information Aggregation.” Applicants submit that this amendment overcomes the Examiner’s objection to the title.

#### **Abstract Objection**

In paragraph 3 of the Office Action, the Examiner objected to the abstract of the disclosure stating that it is longer than 150 words, and thus requires correction.

In response to this objection, Applicants have submitted herewith a new Abstract sheet, which Applicants submit fully complies with the length and content provisions contained in 37 C.F.R. § 1.72(b). Accordingly, Applicants request that the objection to the abstract of the disclosure be withdrawn.

#### **Claim Objections**

In paragraph 4 of the Office Action, the Examiner objected to claims 1, 14, and 22 stating that the word “dataset” is incorrectly/inconsistently spelled as “data set”.

With this Amendment, Applicants have amended claims 1, 14, and 22 substituting the term “data set” with the term “dataset”, as suggested by the Examiner. Applicants have further amended those instances of the term “data set” and “data sets” contained in claims 3-5, 7, and 12-13 of the Application. Applicants submit that these amendments overcome the Examiner’s claim objections.

### **35 U.S.C § 101 Rejections**

In paragraph 5 of the Office Action, the Examiner rejected claims 1-22 under 35 U.S.C. § 101 stating that the claimed invention is directed to non-statutory subject matter. In particular, the Examiner asserts that claims 1-22 only recite an abstract idea, stating that the recited method does not apply, involve, or use the technological arts since “all of the recited steps can be performed in the mind of the user or by use of a pencil and paper.” Furthermore, the Examiner states that the claimed series of steps contained in independent claims 1 and 22 does not produce a useful, concrete, and tangible result.

Applicants respectfully assert that claims 1-22 rejected by the Examiner are directed to statutory subject matter under 35 U.S.C. § 101. The Examiner’s statement that claims 1-22 recite methods that do not apply, involve, or use the technological arts since “all of the steps can be performed in the mind of the user or by use of a pencil or paper” appears to contradict the Federal Circuit’s decision in *AT&T Corp. v. Excel Communications, Inc.*, 172 F.3d 1352, 50 U.S.P.Q.2d (1447) (Fed. Cir. 1999), which held that the proper inquiry for purposes of analyzing utility in process claims under § 101 is not whether such claims recite a “physical transformation”, but rather whether such claims are applied in a practical manner to produce a useful result. According to the Federal Circuit:

Whatever may be left of the earlier test, if anything, this type of physical limitations analysis seems of little value because ‘after Diehr and Alappat, the mere fact that a claimed invention involves inputting numbers, calculating numbers, outputting numbers, and storing numbers, in an of itself, would not render it nonstatutory subject matter, unless, of course, its operation does not produce a useful, concrete and tangible result.’

*Id.* at 1359 (quoting *In re Alappat*, 33 F.3d 1526, 1544, 31 U.S.P.Q.2d 1545, 1557 (Fed. Cir. 1994)). Thus, the proper inquiry under the *AT&T* decision focuses on whether the claims are applied in a practical manner to produce a useful result, not whether a physical transformation is apparent in the claims.

For the Examiner’s reference, Applicants have attached hereto a copy of page 17 of a PowerPoint presentation entitled “35 U.S.C. 101 Training Materials” prepared by the United States Patent and Trademark Office, which can be found on the PTO’s website at <http://www.uspto.gov/web/menu/pbmethod>. As discussed in these training materials, a method or process remains statutory even if some or all of the steps therein can be carried out in the human mind, with the aid of the human mind, or because it may be necessary for one performing the method or process to think. A summary of the *AT&T* decision supporting this statement can also be found in these training materials.

With this Amendment, Applicants have amended independent claims 1 and 22 to now recite the additional step of “outputting selective data from the aggregate dataset to a user”. Claim 1, for example, now recites:

1. (Currently Amended) A method for providing demographic information for a geo-demographic cluster area within a predefined geographic region, the method comprising:
  - providing a first database, the first database having a number of data records that directly or indirectly relate to occupants in the predefined geographic region;
  - providing a second database, the second database having a number of different data records that directly or indirectly relate to occupants in the predefined geographic region;

associating selected data entries in the first and second databases with parcels of land;

generating household-specific demographic profiles for each parcel of land using the data records in the first and second databases;

generating an aggregate dataset for at least two geographically adjacent or proximate parcels of land in the predefined geographic region by combining the household-specific demographic profiles for each of the at least two geographically adjacent or proximate parcels of land; and  
*outputting selective data from the aggregate dataset to a user.*

(emphasis added). Antecedent support for this amendment can be found, for example, in Figure 1 and the accompanying text of the Specification and from dependent claim 14 (now cancelled).

Applicants assert that the methods recited in claims 1 and 22 are applied in a practical manner to produce a useful result, and are therefore statutory subject matter under 35 U.S.C. § 101. The Examiner's statement that the claims are not within the technological arts since such claims can be performed in the mind of the user or by use of a paper or pencil appears to rely on prior decisions that required evidence of a physical transformation in the claims. As discussed above, however, such requirement is clearly not the law based on the Federal Circuit's decision in *AT&T Corp. v. Excel Communications, Inc.*

Applicants further assert that even though evidence of a physical transformation is unnecessary based on the decision in *AT&T*, independent claims 1 and 22 nevertheless contain such claim limitations, further rendering those claims statutory subject matter under § 101. Claim 1, for example, recites the steps of generating household-specific demographic profiles for each parcel of land using the data records from the first and second databases, and generating an aggregate dataset for at least two geographically adjacent or proximate parcels of land in the predefined geographic region by combining

the household-specific demographic profiles for each parcel. Claim 22 similarly recites the step of creating an aggregate dataset for a predefined set of two or more households by combining the information that is associated with the predefined set of households and associating the aggregate data with the parcel of land. In addition, both claims now recite the additional step of outputting selective data from the aggregate dataset to a user.

The steps of generating household-specific profiles, generating or creating an aggregate dataset, and then outputting selective data from the aggregate dataset to a user recited in independent claims 1 and 22 constitute a transformation that produces a useful, concrete and tangible result. Accordingly, Applicants respectfully assert that claims 1-22 satisfy the utility requirement set-forth in 35 U.S.C. § 101.

### **35 U.S.C. § 112 Rejections**

In paragraph 7 of the Office Action, the Examiner rejected claims 10-11 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Examiner states that the phrase “model” contained in claims 10-11 can be interpreted in a plurality of ways and as thus vague and indefinite.

In response thereto, Applicants have amended claims 10-11 deleting the phrase “via a model that uses” contained in each claim. Applicants submit that these claim amendments overcome the Examiner’s rejections under 35 U.S.C. § 112, second paragraph.

### **35 U.S.C. § 102(b) Rejections**

In paragraph 9 of the Office Action, the Examiner rejected claims 1-8, 12, 14, and 16-22 under 35 U.S.C. § 102(b) as being anticipated by *Shaffer et al.* (U.S. Patent No. 5,901,214).

Applicants respectfully assert that the *Shaffer et al.* reference does not disclose or suggest each and every element of claims 1-8, 12, 14, and 16-22. However, in order to move prosecution along in this case, Applicants have amended independent claims 1 and 22 to recite the additional limitation that the parcels or households in the predefined geographic region are geographically adjacent or proximate to each other. Claim 1, for example, now recites the step of generating an aggregate dataset for at least two geographically adjacent or proximate parcels of land in the predefined region by combining the household-specific demographic profiles for each of the at least two geographically adjacent or proximate parcels of land. In similar fashion, claim 22 now recites the steps of obtaining two or more datasets that provide at least some information that is related to at least two geographically adjacent or proximate households on at least one parcel of land, and creating an aggregate dataset for a predefined set of the two or more geographically adjacent or proximate households by combining the information that is associated with the predefined set of households and associating the aggregate data with a parcel of land. Antecedent support for these amendments can be found, for example, in the Specification at page 7, lines 27-30, and in dependent claim 2 (now cancelled).

The *Shaffer et al.* patent appears to suggest a one-number intelligent call processing system employing a spatial key (104) that can be used to directly or indirectly



access data from a number of different databases (*e.g.* 106, 108, 110, etc.) in order to output a phone number, a “dialed number identification service” (DNIS) tag, as well as various other information to a user. As shown in Figure 1 of *Shaffer et al.*, a spatial key master table (102) including a translation index of the databases can be used to index the databases by an offline merge, append, and/or link process to create telephone number indexed databases. As further shown in Figure 4, the one-number intelligent call processing system can be implemented as a remote database processing center (231) via a mainframe computer (232) interconnected to each of the databases.

Although *Shaffer et al.* suggests a one-number intelligent call processing system that pools information from multiple databases, Applicants respectfully assert that nothing in that reference appears to disclose or suggest the step of generating an aggregate dataset for at least two geographically adjacent or proximate parcels of land in a predefined geographic region by combining household-specific demographic profiles for each of the at least two geographically adjacent or proximate parcels of land, as recited in independent claim 1.

In *Shaffer et al.*, while some of the databases (*e.g.* U.S. Postal database, census database, etc.) may contain various address information on individual households located within a geographic region (*e.g.* a particular zip code), nothing in that reference suggests generating an aggregate dataset for at least two geographically adjacent or proximate parcels of land by combining household-specific demographic profiles. The step of combining two USPS databases in *Shaffer et al.* to build a USPS CASS certified database does not involve the step of combining household-specific demographic profiles, but instead merely involves the step of verifying street names and addresses. In addition, the

real property database retrieval application that the Examiner cites in col. 10, lines 5-11 of *Shaffer et al.* involves accessing information such as ownership, address, mortgage holder, etc. via a telephone number, and does not appear to disclose or suggest combining at least two geographically adjacent or proximate parcels of land to generate an aggregate dataset containing household-specific demographic profiles for purposes of confidentiality. Accordingly, Applicants respectfully assert that claim 1 is allowable over *Shaffer et al.*

Because claim 1 is allowable, dependent claims 2-8, 12, 14, and 16-21 are also allowable for the reasons stated above and since they contain other significant elements not disclosed or suggested by the cited prior art. With respect to claim 5, for example, Applicants assert that since nothing in *Shaffer et al.* discloses or suggests generating an aggregate dataset for at least two geographically adjacent or proximate parcels of land, nothing in the reference further suggests that such data records of the dataset are a summary of the selected data records in the household-specific demographic profiles.

For reasons similar to that discussed above, Applicants respectfully assert that independent claim 22 is also patentable over the *Shaffer et al.* reference. Claim 22, for example, recites the step of creating an aggregate dataset for a predefined set of two or more geographically adjacent or proximate households by combining the information that is associated with the predefined set of households and associating the aggregate data with the parcel of land. Again, while *Shaffer et al.* may suggest the use of multiple databases, nothing in that reference appears to disclose or suggest creating an aggregate dataset for a predefined set of two or more geographically adjacent or proximate

households and then combining such information with a parcel of land. As such, Applicants respectfully assert that claim 22 is also allowable over *Shaffer et al.*

### **35 U.S.C. § 103(a) Rejections**

In paragraph 11 of the Office Action, the Examiner rejected claims 9-11, 13, and 15 under 35 U.S.C. § 103(a) as being unpatentable over *Shaffer et al.* (U.S. Patent No. 5,901,214) as applied to claims 1-8, 12, 14, and 16-22 above.

For reasons similar to that discussed above, Applicants respectfully assert that claims 9-11, 13, and 15 are not obvious since *Shaffer et al.* does not disclose or suggest each and every element of those claims. As discussed previously, claim 1 now recites the step of generating an aggregate dataset for at least two geographically adjacent or proximate parcels of land in a predefined geographic region by combining household-specific demographic profiles for each of the at least two geographically adjacent or proximate parcels of land. Although *Shaffer et al.* suggest pooling information from multiple databases, nothing in that reference appears to disclose or suggest the step of aggregating household-specific demographic profiles for each of at least two geographically adjacent or proximate parcels of land.

In addition, Applicants further assert that there would have been no motivation or suggestion to modify *Shaffer et al.* to arrive at the methods of claims 1-22 since *Shaffer et al.* is concerned with acquiring information based on individual telephone numbers, not based on adjacent or proximate parcels of land and/or households. In the call processing system of *Shaffer et al.*, the step of generating or creating an aggregate dataset for at least two geographically adjacent or proximate parcels of lands and/or households would not necessarily provide the caller, operator, and/or other third party with any additional useful

information. In fact, the outputting of such aggregated data may actually hamper many of the applications described in *Shaffer et al.* For example, the steps of generating and outputting an aggregated dataset to a user containing household-specific information for at least two geographically adjacent or proximate parcels of land or households might prevent certain caller verification applications from occurring since such verification is often accomplished using specific information for a specific parcel of land and/or household. Accordingly, Applicants respectfully assert that there is no motivation or suggestion to modify *Shaffer et al.* to arrive at the present claimed invention.

With this Amendment, newly presented claims 23-34 have been added, which Applicants submit further recite additional limitations not disclosed or suggested by the cited prior art. In particular, independent method claim 23 recites, among other novel elements, the step of generating an aggregate dataset for at least two households by combining household-specific demographic profiles for each household, and outputting selective data from the aggregate dataset to a user. Claim 23 further recites that the outputted data from the aggregate dataset includes a layer of confidentiality protection preventing the user from accessing one or more data records from the household-specific demographic profiles. Dependent claims 24-27 further recite the numbers of households within the aggregate dataset, which Applicants submit are not disclosed or suggested by the cited prior art. Antecedent support for these claims can be found, for example, on page 12, lines 6-10 of the Application.

Independent claim 28 further presented in the Amendment recites, among other novel elements, a means for processing demographic data from a first database and at least one additional database and associating selected data records with parcels of land to

generate household-specific demographic profiles within a predefined geographic region. Claim 28 further recites that said processing means is adapted to generate an aggregate dataset for at least two geographically adjacent or proximate parcels of land by combining the household-specific profiles for each parcel. Claim 34 is similar to claim 28, but further recites that said processing means includes software and/or hardware.

Reexamination and reconsideration are respectfully requested. It is submitted that all pending claims are currently in condition for allowance. Issuance of a Notice of Allowance in due course is anticipated. If a telephone conference might be of assistance, please contact the undersigned attorney at 612-677-9050.

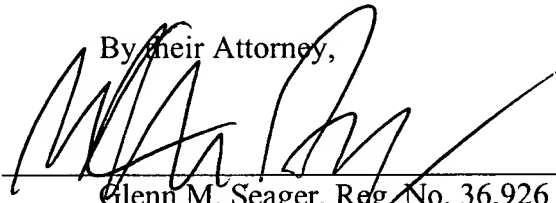
Respectfully submitted,

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By their Attorney,

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